

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY WRIT ORIGINAL PETITION CIVIL NO.315 OF JURISDICTION
1992

Smt Sarita Maheshkumar Garodia & anr., Petitioners

vs

Union of India & anr ... Respondents

Mr.Jitendra Jain with Mr.Pratik Pawar and Mr.Amit
Surve i.b Shaunak Satpute & Co for Petitioners
Mr.R.Asokan with Mr.M.I.Sethna and
Mr.P.S.Sahadevan for Respondents

CORAM : F.I.REBELLO AND
R.S.MOHITE, JJ

DATED : 4TH DECEMBER, 2007

P.C.

1. At the hearing of the petition, on behalf of the petitioners, learned counsel restricts his relief to the extent of a sum of Rs.1,00,000/- along with interest which was retained by the respondents. Considering the judgment of this court in W.P.No.646 of 1993, (Raj Nair vs S.K.Laul & anr decided on 7th August, 2007 (F.I.Rebello & J.P.Deodhar, JJ) it was not open to the respondents to withhold the said amount. In the light of that, respondents are directed to refund to the petitioner no.1 a sum of Rs.1,00,000/- with interest at 6 % from the date of the amount was withheld till payment. The respondents are directed to pay the said amount within a period of 12 weeks.

2. Rule is made absolute accordingly. No order as to costs.

(F.I.Rebello, J)

(R.S.Mohite, J)